GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayat Raj & Rural Development Department – Establishment – ZPP/MPP – Sri A. Gopala Rao, Retired E.O. (RD), MPP, Lepakshi residing at Kalyanadurg - Accord notional promotion to the post of Lower Division Clerk /Junior Assistant w.e.f. 14.05.1962 - Implementation of the orders of the Hon'ble APAT, dt.17.08.2016 in O.A.No.8892/2012 – Orders – Issued.

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PANCHAYAT RAJ & RURAL DEVELOPMENT (ESTT.IV) DEPARTMENT

G.O.RT.No. 574 Dated: 09-10-2020.

Read the following:

1. Orders of the Hon'ble APAT, dt.17.08.2016 in O.A. No.8892/2012.
2. Orders of the Hon'ble High Court of A.P, dt.18.04.2019 in W.P.No. 40532/2016.
3. From the Commissioner, PR&RD, AP, Letter No.998420/ CPR&RD/ C-1/2019, dt.07.01.2020.

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O R D E R:

Sri A. Gopala Rao was appointed as Attender / Record Assistant w.e.f. 23.12.1961, he was promoted to the posts of LDC w.e.f. 12.03.1967 i.e. after completion of 5 years 2 months and 19 days of service in the cadre of Office Attender. Later on he was promoted to the post of Extension Officer (PR&RD). He was retired on 31.12.1998 on attaining the age of superannuation. The individual has made a representation on 04.05.2000 seeking regularization of his services in the cadre of Record Assistant w.e.f. 1962. The claim of the individual has been examined and rejected in Govt. Memo.No.37703/Estt-V/ A1/ 2001-1, dt:05.11.2002. The individual has filed O.A.No.1817/2003 challenging the above said Memo. The Hon'ble APAT has directed to petitioner to file fresh representation to the Chief Executive Officer, Zilla Praja Parishad, Ananthapuramu. Accordingly, the individual has filed his representations on 07.01.2007, 10.10.2007 and 21.10.2009. The representations of the individual have been examined and it has been observed that the question of notional date of appointment will arise only in case where a junior is promoted without considering the senior, for any reason. Therefore, the claim of the individual has been rejected vide Memo.No.1583/E.V/2009, Dt.30.08.2012, since no junior to the applicant was promoted as Record Assistant.

2. Sri A.Gopala Rao, Retired E.O.(RD), has filed O.A.No.8892/2012 in APAT, challenging the orders of the Government in Memo.No.1583/E.V/2009, dt.30.08.2012. The Hon'ble A.P. Administrative Tribunal, in its orders 1st read above, while setting aside the Govt. Memo.No.1583/ E.V/2009, dt.30.08.2012, has directed as follows:

> "…….with a direction to the respondents to accord notional promotion to the applicant to the post of Lower Division Clerk / Junior Assistant w.e.f. 14.05.1962 with all Service benefits for the purpose of pension except monetary benefit prior to retirement and also directed to complete the above said process and issue appropriate orders within six months from the date of receipt of a copy of the order".

3. The orders of the Hon'ble A.P. Administrative Tribunal, dt.17.08.2016 in O.A.No. 8892/2012 have been challenged in W.P.No.40532/2016 in Hon'ble High Court of A.P. The Hon'ble High Court of AP in its orders in reference 2nd read above, have upheld the judgment passed by the Hon'ble APAT in the above said O.A. holding that:

> "the tribunal having examined the facts correctly and the legal position in proper perspective had only granted a direction to the writ petitioner and other concerned to accord notional promotion to the 1st respondent (i.e. Sri A. Gopala Rao) to the post of LDC/Junior Assistant w.e.f. 14.05.1962

p.t.o.

with all service benefits for the purpose of pension except monetary benefit prior to retirement, we find that the order of the Tribunal is justified and sustainable and that the contentions of the Writ Petitioner to the contrary or devoid of merit and that, therefore, the writ petition is liable to be dismissed".

4. In the reference 3rd read above, the Commissioner, Panchayat Raj & Rural Development, Andhra Pradesh, Guntur, has furnished the proposal in respect of Sri A.Gopala Rao, Retired EO (RD), for issue of necessary orders with reference to the orders of the Hon'ble High Court of Andhra Pradesh, dt.18.04.2019 in W.P.No.40532/ 2016.

5. Government after careful examination of the matter hereby accord permission to the Commissioner, Panchayat Raj & Rural Development, Andhra Pradesh, Guntur, to implement the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, dt.17.08.2016 in O.A.No.8892/2012, i.e. to accord notional promotion to Sri A.Gopala Rao, Retired E.O.(RD), MPP, Lepakshi, Anantapuramu District to the post of Lower Division Clerk / Junior Assistant w.e.f 14.05.1962 with all service benefits for the purpose of pension except monetary benefit prior to retirement.

6. The Commissioner, Panchayat Raj & Rural Development, Andhra Pradesh, Guntur, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TOGOVERNMENT

To
The Commissioner,
Panchayat Raj & Rural Development,
PVS ICON, Tadepalli,
Guntur District.
The Chief Executive Officer, Zilla Praja Parishad, Ananthapuramu.
The individual through the CEO, ZPP, Anantapuramu.
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad..
The District Treasury Officer, Anantapuramu, Anantapuramu Dist.
The P.S. to the Hon'ble M(PR, RD & M&G).
The P.S. to the Prl. Secretary to Government (PR&RD)
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER